

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

Matt Larson,

Plaintiff,

v.

Progressive Finance Holdings, LLC,

Defendant.

:
:
: Civil Action No.: 4:15-cv-00740
:
:
:

COMPLAINT

For this Complaint, Plaintiff, Matt Larson, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Matt Larson ("Plaintiff"), is an adult individual residing in North Richland Hills, Texas, and is a "person" as the term is defined by 47 U.S.C. § 153(39).
4. Defendant Progressive Finance Holdings, LLC ("PFH"), is a Utah business entity with an address of 11629 South 700 East, Draper, Utah 84020, and is a "person" as the term is defined by 47 U.S.C. § 153(39).

FACTS

5. In or around April 2014, PFH began calling Plaintiff's cellular telephone, number 210-xxx-8282, using an automatic telephone dialing system ("ATDS") and/or using an artificial or prerecorded voice.

6. When Plaintiff answered calls from PFH, he heard a prerecorded message instructing him to hold for the next available customer service representative.

7. On several occasions in May and June 2015, Plaintiff spoke with PFH and requested that all calls to him cease.

8. Nevertheless, PFH continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I
VIOLATIONS OF THE TCPA - 47 U.S.C. § 227, et seq.

9. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

10. At all times mentioned herein, Defendant called Plaintiff on his cellular telephone using an ATDS and/or using a prerecorded or artificial voice.

11. Defendant placed automated calls to Plaintiff's cellular telephone despite knowing that it lacked consent to place such calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

12. The telephone number called by Defendant was assigned to a cellular telephone service pursuant to 47 U.S.C. § 227(b)(1).

13. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

14. As a result of each of Defendant's negligent violations of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

15. As a result of each of Defendant's knowing and/or willful violations of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each and every violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

16. **TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: October 2, 2015

Respectfully submitted,

By /s/ Jenny DeFrancisco

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